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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Weers et al.

Atty Docket No.: 0103.00

Examiner: E. Webman

Application No. 09/888,311

Group Art Unit: 1617

Filed: 6/22/2001

September 19, 2002

Title: PHOSPHOLIPID BASED POWDERS
FOR INHALATION

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on 9/24/02

Signed: Kathy Honnert

INFORMATION DISCLOSURE STATEMENT

UNDER 37 CFR §1.56, §1.97 and §1.98

Commissioner for Patents
Washington, DC 20231

Dear Sir:

The references listed in the attached Form PTO/SB/08A,B may be material to examination of the above-identified patent application. Applicants submit these references in compliance with their duty of disclosure pursuant to 37 CFR §§1.56, 1.97, and 1.98. The Examiner is requested to make these citations of official record in this application.

This Information Disclosure Statement is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that these references indeed constitute prior art.

Copies of the references are enclosed, as required under 37 CFR §§1.98. The references on the attached Form PTO/SB/08A,B identified by an asterisk (*) were previously cited by or submitted to the PTO in a prior application relied upon for an earlier filing date. Accordingly, in compliance with 37 CFR §§1.98 (d), copies of these references have not been provided.

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Attorney Docket No. 0103.00

This Information Disclosure Statement is being timely filed under 37 CFR §§1.97 and is being filed:

- ☐ within three months of the filing date of a national application; within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or before the mailing date of a first Office action on the merits (whichever event occurs last);
- ☒ more than three months from the filing date of an application and after the mailing date of a first Office action on the merits, but before the mailing date of either a final action under section 1.113 or a notice of allowance under section 1.311 (whichever occurs first), and is accompanied by:
- ☒ the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00); or
- ☐ one of the following statements as specified in 37 CFR 1.97(e) that:
- ☐ each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- ☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in section 1.56(c) more than three months prior to the filing of the information disclosure statement; or
- ☐ after the mailing date of either a final action under section 1.113 or a notice of allowance under section 1.311, but on or before the payment of the issue fee, and is accompanied by each of:
- ☐ the following petition:
Applicant hereby requests consideration of the accompanying information disclosure statement;
- ☐ the petition fee set forth in 37 CFR 1.17(i) (\$130.00); and
- ☐ one of the following statements as specified in 37 CFR 1.97(e) that:
- ☐ each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three

months prior to the filing of the information disclosure statement, or

☐

no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in section 1.56(c) more than three months prior to the filing of the information disclosure statement.

☐

Each item of information contained within this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement. Accordingly, this Information Disclosure Statement does not constitute a failure on the part of the Applicant to engage in reasonable efforts to conclude prosecution of the application as set forth in 37 CFR 1.704 "Reduction of period of adjustment of patent term."

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If it is determined that any additional fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 50-0348.

Respectfully submitted,

INHALE THERAPEUTIC SYSTEMS, INC.

Dated: _____

By: _____

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